(14)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
HON'BLE SHRI D.R. DESHMUKH, J.

M.A. NO.1124 OF 2005

APPELLANT APPLICANT

1. Smt. Dipalirani Singh, W/o Sohanlal Chima, Aged About 45
2. Sohanlal Chima, S/o Lambhoomal Singh, Aged 48 Yrs.,
Both R/o Devbhog, Teh. Gariaband Distt. Raipur (C.G.)

Versus

RESPONDENTS (NON APPLICANTS)

1. Shivprasad, S/o Balwant Sinha, Age 28 Yrs.
R/o Vill. Kopra, Distt. Raipur
2. Mahesh Kumar Ahuja, S/o Jai Singh,
R/o Main Road, Mana Camp, Raipur
3. National Insurance Co. Ltd.
By Divisional Manager, Mobin Mahal, GE Road, Raipur (CG)

Present : Shri Raja Sharma, learned counsel for the appellants.

(ORAL ORDER)
(Passed on 15th February, 2006)

The following order of the Court was passed by

Dilip Raosaheb Deshmukh, J.

In a death case, the appellants have preferred this appeal for enhancement of compensation on the ground that learned MACT has failed to consider the income of the deceased from the occupation of motor mechanic and also from the garage run by him. However, on perusal of the impugned award passed by the learned MACT, we find that the appellants did not adduce any evidence relating to the assertion made by them.

Although, they have stated that the deceased had employed six persons in his garage, yet none was examined by them. Learned MACT also observed that appellants did not examine either the owner of the garage or filed any document whatsoever to show the income from the occupation of motor mechanic. In that view of the matter, we are of the considered opinion that the compensation of Rs. 3,20,000/- awarded by the learned MACT does not call for any interference. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge